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PATENT
Attorney Docket No. 25734X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

POPP

Serial No.: 10/791,839

Filing Date: March 4, 2004

For: **ANTIMICROBIAL TOPICAL COMPOSITIONS FOR TREATMENT
OF ROSACEA**

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and
Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Information Disclosure Statement;
- 3) PTO-Form 1449; and
- 4) One (1) Reference Cited.

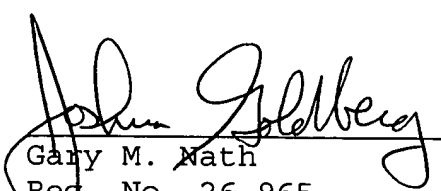
The Commissioner is specifically authorized to charge any
required fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any
overpayment, to Deposit Account No. 14-0112 in connection with this
matter.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: May 25, 2004
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ROSACEA

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
Washington, D.C. 20231

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[X] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

- [] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or
[] ii. a check in the amount required by 37 C.F.R. § 1.17(p).

[] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.

- [] Certification report(e) below; and
[] a check in the amount as required by § 1.17(p).

[] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.

☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

☒ g. Copies of the non-U.S. patent documents are attached herewith with a completed Form PTO-1449.

and

☒ Copies of the documents are not attached as allowed under CFR § 1.98(d)(1)(2). The earlier application is identified as:
U.S. Patent Application Serial No. 10/698,431 filed on
November 3, 2003

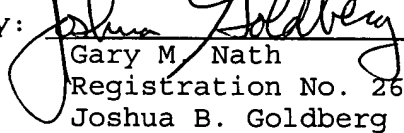
The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

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FORM PTO-1449

INFORMATION DISCLOSURE CITATIONAtty. Docket
25734XSerial No.
10/791,839

Applicant

POPP

Filing Date
March 4, 2004Group Art Unit
n/a

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA	3,867,522	02/18/75	Kligman			10/11/73
	AB	4,185,106	01/22/80	Dittmar et al.			08/15/75
	AC	4,711,775	12/08/87	Dittmar et al.			12/04/84
	AD	4,736,756	04/12/88	Grollier et al.			09/18/85
	AE	4,762,847	08/09/88	Edwards et al.			10/02/86
	AF	5,174,475	12/29/92	Day et al.			03/26/91
	AG	5,470,880	11/28/95	Yu et al.			01/10/94
	AH	5,487,884	01/30/96	Bissett et al.			07/01/93
	AI	5,654,013	08/05/97	Taylor et al.			03/13/95
	AJ	5,665,364	09/09/97	McAtee et al.			07/24/95
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	AL	5,919,438	07/06/99	Saint-Leger			04/15/97
	AM	5,939,083	08/17/99	Allec et al.			06/09/97
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	AP	5,998,395	12/07/99	Kligman			09/10/93
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	AS	6,136,806	10/24/00	Hittel			11/20/98
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	AU	6,207,694	03/27/01	Murad			07/27/98
	AV	6,231,875	05/15/01	Sun et al.			03/09/99
	AW	6,284,234	09/04/01	Niemiec et al.			07/23/99
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	AAF	6,469,033	10/22/02	Bohn et al.			08/20/98
	AAG	6,495,498	12/17/02	Niemiec et al.			05/27/99

Examiner

Date Considered

FORM PTO-1449 INFORMATION DISCLOSURE CITATION				Atty. Docket 25734X		Serial No. 10/791,839	
				Applicant POPP			
				Filing Date March 4, 2004		Group Art Unit n/a	

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	BA	6,515,007	02/04/03	Murad			08/03/01
	BB	6,517,847	02/11/03	Dow et al.			03/08/02
	BC	6,524,594	02/25/03	Santora et al.			05/26/00
	BD	6,534,069	03/18/03	Asmus et al.			06/08/99
	BE	6,562,360	05/13/03	Scholz et al.			12/10/01
	BF	6,582,711	06/24/03	Asmus et al.			01/09/97
	BG	6,586,472	07/01/03	Perricone			09/14/01
	BH	6,599,512	07/29/03	Burnier			10/03/97
	BI	2001/0016604	08/23/01	Yu et al.			02/01/01
	BJ	2002/0022040	02/21/02	Robinson et al.			05/29/01
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	BM	2002/0168327	11/14/02	Bailey et al.			02/26/02
	BN	2002/0172719	11/21/02	Murad			03/11/02
	BO	2003/0007939	01/09/03	Murad			02/20/02
	BP	2003/0069148	04/10/03	Booker et al.			09/17/01
	BQ	2003/0108507	06/12/03	Clipson et al.			10/18/02
	BR	2003/0118655	06/26/03	Kundel			12/21/01
	BS	2003/0125224	07/03/03	Seitz, Jr. et al.			07/10/02
	BT	2003/0133899	07/17/03	Fan et al.			12/16/02
	BU	2003/0134759	07/17/03	Geary et al.			11/01/02
	BV	2003/0228340	12/11/03	Gans			04/04/03

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		Document Number	Date	Country	Class	Sub-Class	Trans-lation
	BW	EP 0,217,635 A1	04/08/87	EPO			Yes
	BX	EP 0,312,234 A1	04/19/89	EPO			Yes
	BY	EP 0,347,199 B1	09/09/92	EPO			Yes
	BZ	EP 0,771,187 B1	10/28/98	EPO			Yes
	BAA	EP 0,928,183 B1	12/05/01	EPO			Yes
	BAB	EP 0,928,193 B1	06/12/02	EPO			Yes
	BAC	EP 1,282,390 A1	11/15/01	EPO			Yes
	BAD	EP 1,312,356 A1	05/21/03	EPO			Yes
	BAE	EP 1,329,212 A1	07/23/03	EPO			Yes

Examiner	Date Considered

FORM PTO-1449 INFORMATION DISCLOSURE CITATION				Atty. Docket 25734X		Serial No. 10/791,839	
				Applicant POPP			
				Filing Date March 4, 2004		Group Art Unit n/a	
FOREIGN PATENT DOCUMENTS							
	CA	CA 2,285,368 A1	10/98/98	Canada			Yes
	CB	CA 2,294,804 A1	11/26/98	Canada			Yes
	CC	CA 2,351,925 A1	12/27/01	Canada			Yes
	CD	CA 2,421,787 A1	02/04/03	Canada			Yes
	CE	CA 2,426,683 A1	05/02/02	Canada			Yes
	CF	FR 2,685,867 A1	07/09/93	France			Yes
	CG	FR 2,694,694 A1	02/18/94	France			Yes
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	CH	Schoefer, "Therapy for seborrheic eczema in HIV infection", <u>Forschung und Praxis</u> , Jan. 1990, 98F, p. 3.					
	CI	Schneider, "Sun, Sweating and a Fungus Can Give Rise to Pityriasis versicolor", <u>Aerzte-Zeitung</u> , May 1996, 15(94).					
	CJ	Hanel et al., "Treatment of seborrheic eczema using an antimycotic with antiphlogistic properties", <u>Mycoses</u> , Aug. 1991, 34 Suppl. 1, pp. 91-93.					
	CK	Cullen et al., "Treatment of Tinea Versicolor with a New Antifungal Agent, Ciclopirox Olamine Cream 1%", <u>Clin. Ther.</u> , 1985, 7(5), pp. 574-583.					
	CL	Jue et al., "Ciclopirox Olamine 1% Cream A Preliminary Review of its Antimicrobial Activity and Therapeutic Use", <u>Drugs</u> , 1985, 29, pp. 330-341.					
	CM	Davies et al., "Comparative efficacy of shampoos containing coal tar (4.0% w/w; Tarmed TM), coal tar (4.0% w/w) plus ciclopirox olamine (1.0% w/w; Tarmed TM AF) and ketoconazole (2.0% w/w; Nizoral®) for the treatment of dandruff/seborrheic dermatitis", <u>J. Derm. Treatment</u> , 1999, 10, pp. 177-183.					
	CN						
	CO						
	CP						
	CQ						
Examiner				Date Considered			